

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NOS. 923, 828, 876,
694 & 736**

91ST GENERAL ASSEMBLY

Reported from the Committee on Children, Families and Health, May 9, 2002, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 923, 828, 876, 694 & 736 Do Pass.

TED WEDEL, Chief Clerk

3862L.09C

AN ACT

To repeal sections 28.160, 135.327, 191.925, 208.631, 210.001, 210.145, 210.516, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.060, 294.090, 294.141, 452.402, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700, RSMo, and to enact in lieu thereof twenty-six new sections relating to children and families, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 28.160, 135.327, 191.925, 208.631, 210.001, 210.145, 210.516, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.060, 294.090, 294.141, 452.402, 454.606, 454.609, 454.615, 454.618, 454.627, and 454.700, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 28.160, 135.327, 191.925, 208.631, 210.001, 210.145, 210.516, 210.566, 210.906, 210.950, 210.1007, 211.031, 211.181, 294.011, 294.024, 294.030, 294.060, 294.090, 294.141, 452.402, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

For issuing commission to notary public	\$15.00
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EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4	For countersigning and sealing certificates	
5	of official character	10.00
6	For all other certificates	5.00
7	For copying archive and state library records,	
8	papers or documents, for each page	
9	8 1/2 x 14 inches and smaller,	
10	not more than	.10
11	For duplicating microfilm, for each roll	15.00
12	For copying all other records, papers or documents,	
13	for each page 8 1/2 x 14 inches and smaller,	
14	not more than[.]	.10
15	For certifying copies of records and papers or documents	5.00
16	For causing service of process to be made	10.00
17	For electronic telephone transmittal, per page	2.00
18	2. There is hereby established the "Secretary of State's Technology Trust Fund Account"	
19	which shall be administered by the state treasurer. All yield, interest, income, increment, or gain	
20	received from time deposit of moneys in the state treasury to the credit of the secretary of state's	
21	technology trust fund account shall be credited by the state treasurer to the account. The	
22	provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall	
23	not be transferred and placed to the credit of general revenue until the amount in the fund at the	
24	end of a biennium exceeds five million dollars. In any such biennium the amount in the fund	
25	in excess of five million dollars shall be transferred to general revenue.	
26	3. The secretary of state may collect an additional fee often dollars for the issuance of	
27	new and renewal notary commissions which shall be deposited in the state treasury and credited	
28	to the secretary of state's technology trust fund account.	
29	4. The secretary of state may ask the general assembly to appropriate funds from the	
30	technology trust fund for the purposes of establishing, procuring, developing, modernizing and	
31	maintaining:	
32	(1) An electronic data processing system and programs capable of maintaining a	
33	centralized database of all registered voters in the state;	
34	(2) Library services offered to the citizens of this state;	
35	(3) Administrative rules services, equipment and functions;	
36	(4) Services, equipment and functions relating to securities;	
37	(5) Services, equipment and functions relating to corporations and business	
38	organizations;	
39	(6) Services, equipment and functions relating to the Uniform Commercial Code;	

40 (7) Services, equipment and functions relating to archives; and

41 (8) Services, equipment and functions relating to record services.

42 **5. Notwithstanding any provision of this section to the contrary, the secretary of**
43 **state shall not collect fees, for processing apostilles, certifications and authentications prior**
44 **to the placement of a child for adoption, in excess of one hundred dollars per child per**
45 **adoption, or per multiple children to be adopted at the same time.**

135.327. 1. Any person residing in this state who legally adopts a special needs child
2 on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit
3 of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may
4 be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an
5 employee to enable that employee to legally adopt a special needs child shall be eligible to
6 receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each
7 child adopted that may be applied to taxes due under such business entity's state tax liability,
8 except that only one ten thousand dollar credit is available for each special needs child that is
9 adopted.

10 2. Any person residing in this state who proceeds in good faith with the adoption of a
11 special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to
12 ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to
13 taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to
14 enable that employee to proceed in good faith with the adoption of a special needs child shall be
15 eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses
16 for each child that may be applied to taxes due under such business entity's state tax liability,
17 except that only one ten thousand dollar credit is available for each special needs child that is
18 adopted.

19 3. Individuals and business entities may claim a tax credit for their total nonrecurring
20 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the
21 credit shall be allowed when the child is placed in the home. A claim for the remaining fifty
22 percent shall be allowed when the adoption is final. The total of these tax credits shall not
23 exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax
24 credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal
25 year shall not exceed two million dollars.

26 4. Notwithstanding any provision of law to the contrary, any individual or business
27 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits
28 claimed pursuant to this section [to a for-profit entity] shall be at a discount rate of seventy-five
29 percent or greater of the amount sold.

191.925. 1. Effective January 1, 2002, every infant born in this state shall be screened

2 for hearing loss in accordance with the provisions of sections [191.225] **191.925** to 191.937 and
3 section 376.685, RSMo.

4 2. The screening procedure shall include the use of at least one of the following
5 physiological technologies:

6 (1) Automated or diagnostic auditory brainstem response (ABR);

7 (2) Otoacoustic emissions (OAE); or

8 (3) Other technologies approved by the department of health and senior services.

9 3. Every newborn delivered on or after January 1, 2002, in an ambulatory surgical center
10 or hospital shall be screened for hearing loss prior to discharge of the infant from the facility.
11 **Any facility that transfers a newborn for further acute care prior to completion of the**
12 **newborn hearing screening shall notify the receiving facility of the status of the newborn**
13 **hearing screening. The receiving facility shall be responsible for the completion of the**
14 **newborn hearing screening.** Such facilities shall report the screening results on all newborns
15 to the parents or guardian of the newborn, and the department of health and senior services in
16 a manner prescribed by the department.

17 4. If a newborn is delivered in a place other than the facilities listed in subsection 3 of
18 this section, the physician or person who professionally undertakes the pediatric care of the infant
19 shall ensure that the newborn hearing screening is performed within three months of the date of
20 the infant's birth. Such physicians and persons shall report the screening results on all newborns
21 to the parents or guardian of the newborn, and the department of health and senior services in
22 a manner prescribed by the department.

23 5. The provisions of this section shall not apply if the parents of the newborn or infant
24 object to such testing on the grounds that such tests conflict with their religious tenets and
25 practices.

26 6. As provided in subsection 5 of this section, the parent of any child who fails to have
27 the hearing screening test administered after notice of the requirement for such test shall have
28 such refusal documented in writing. Such physicians, persons or administrators shall obtain the
29 written refusal and make such refusal part of the medical record of the infant, and shall report
30 such refusal to the department of health and senior services in a manner prescribed by the
31 department.

32 7. The physician or person who professionally undertakes the pediatric care of the
33 newborn, and administrators of ambulatory surgical centers or hospitals shall provide to the
34 parents or guardians of newborns a written packet of educational information developed and
35 supplied by the department of health and senior services describing the screening, how it is
36 conducted, the nature of the hearing loss, and the possible consequences of treatment and
37 nontreatment for hearing loss prior to administering the screening.

38 8. All facilities or persons described in subsections 3 and 4 of this section who
39 voluntarily provide hearing screening to newborns prior to January 1, 2002, shall report such
40 screening results to the department of health in a manner prescribed by the department.

41 9. All facilities or persons described in subsections 3 and 4 of this section shall provide
42 the parents or guardians of newborns who fail the hearing screening with educational materials
43 that:

44 (1) Communicate the importance of obtaining further hearing screening or diagnostic
45 audiological assessment to confirm or rule out hearing loss;

46 (2) Identify community resources available to provide rescreening and diagnostic
47 audiological assessments; and

48 (3) Provide other information as prescribed by the department of health and senior
49 services.

50 10. Any person who acts in good faith in complying with the provisions of this section
51 by reporting the newborn hearing screening results to the department of health and senior
52 services shall not be civilly or criminally liable for furnishing the information required by this
53 section.

54 11. The department of health and senior services shall provide audiological and
55 administrative technical support to facilities and persons implementing the requirements of this
56 section, including, but not limited to, assistance in:

57 (1) Selecting state-of-the-art newborn hearing screening equipment;

58 (2) Developing and implementing newborn hearing screening procedures that result in
59 appropriate failure rates;

60 (3) Developing and implementing training for individuals administering screening
61 procedures;

62 (4) Developing and distributing educational materials for families;

63 (5) Identifying community resources for delivery of rescreening and pediatric
64 audiological assessment services; and

65 (6) Implementing reporting requirements.

66

67 Such audiological technical support shall be provided by individuals qualified to administer
68 newborn and infant hearing screening, rescreening and diagnostic audiological assessment.

208.631. 1. Notwithstanding any other provision of law to the contrary, the department
2 of social services shall establish a program to pay for health care for uninsured children.
3 Coverage pursuant to sections 208.631 to 208.660 is subject to appropriation. The provisions
4 of sections 208.631 to 208.657 shall be void and of no effect after July 1, [2002] **2007**.

5 2. For the purposes of sections 208.631 to 208.657, "children" are persons up to nineteen

6 years of age. "Uninsured children" are persons up to nineteen years of age who have not had access to employer-subsidized health care insurance or other health care coverage for six months prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for medical assistance as authorized in section 208.151, is not uninsured for the purposes of sections 208.631 to 208.657.

210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

(1) The St. Louis City child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County and Lakes Area child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center;

(10) The Pettis County child assessment center; [and]

(11) The southeast Missouri child assessment center;

(12) The Camden County child assessment center; and

(13) The Clay-Platte County child assessment center.

210.145. 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

6 2. Upon receipt of a report, the division shall immediately communicate such report to
7 its appropriate local office and any relevant information as may be contained in the information
8 system. The local division staff shall determine, through the use of protocols developed by the
9 division, whether an investigation or the family assessment and services approach should be used
10 to respond to the allegation. The protocols developed by the division shall give priority to
11 ensuring the well-being and safety of the child.

12 3. The local office shall contact the appropriate law enforcement agency immediately
13 upon receipt of a report which division personnel determine merits an investigation, or, which,
14 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,
15 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,
16 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or
17 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and
18 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a
19 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,
20 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to
21 commit any such crimes. The local office shall provide such agency with a detailed description
22 of the report received. In such cases the local division office shall request the assistance of the
23 local law enforcement agency in all aspects of the investigation of the complaint. The
24 appropriate law enforcement agency shall either assist the division in the investigation or provide
25 the division, within twenty-four hours, an explanation in writing detailing the reasons why it is
26 unable to assist.

27 4. The local office of the division shall cause an investigation or family assessment and
28 services approach to be initiated immediately or no later than within twenty-four hours of receipt
29 of the report from the division, except in cases where the sole basis for the report is educational
30 neglect. If the report indicates that educational neglect is the only complaint and there is no
31 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours
32 of receipt of the report. If the report indicates the child is in danger of serious physical harm or
33 threat to life, an investigation shall include direct observation of the subject child within
34 twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary
35 steps to facilitate such direct observation. When the child is reported absent from the residence,
36 the location and the well-being of the child shall be verified.

37 5. The director of the division shall name at least one chief investigator for each local
38 division office, who shall direct the division response on any case involving a second or
39 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
40 investigator shall include verification of direct observation of the subject child by the division
41 and shall ensure information regarding the status of an investigation is provided to the public

42 school district liaison. The public school district liaison shall develop protocol in conjunction
43 with the chief investigator to ensure information regarding an investigation is shared with
44 appropriate school personnel. The public school district liaison shall be designated by the
45 superintendent of each school district. Should the subject child attend a nonpublic school the
46 chief investigator shall notify the school principal of the investigation.

47 6. The investigation shall include but not be limited to the nature, extent, and cause of
48 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
49 names and conditions of other children in the home, if any; the home environment and the
50 relationship of the subject child to the parents or other persons responsible for the child's care;
51 any indication of incidents of physical violence against any other household or family member;
52 and other pertinent data.

53 7. When a report has been made by a person required to report under section 210.115,
54 the division shall contact the person who made such report within forty-eight hours of the receipt
55 of the report in order to ensure that full information has been received and to obtain any
56 additional information or medical records, or both, that may be pertinent.

57 8. Upon completion of the investigation, if the division suspects that the report was made
58 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
59 of malice or harassment to the local prosecuting or circuit attorney.

60 9. Multidisciplinary teams shall be used whenever conducting the investigation as
61 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
62 shall be used in providing protective or preventive social services, including the services of law
63 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
64 other agencies, both public and private.

65 10. If the appropriate local division personnel determine after an investigation has begun
66 that completing an investigation is not appropriate, the division shall conduct a family
67 assessment and services approach. The division shall provide written notification to local law
68 enforcement prior to terminating any investigative process. The reason for the termination of
69 the investigative process shall be documented in the record of the division and the written
70 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
71 any investigation by law enforcement.

72 11. If the appropriate local division personnel determines to use a family assessment and
73 services approach, the division shall:

74 (1) Assess any service needs of the family. The assessment of risk and service needs
75 shall be based on information gathered from the family and other sources;

76 (2) Provide services which are voluntary and time-limited unless it is determined by the
77 division based on the assessment of risk that there will be a high risk of abuse or neglect if the

78 family refuses to accept the services. The division shall identify services for families where it
79 is determined that the child is at high risk of future abuse or neglect. The division shall
80 thoroughly document in the record its attempt to provide voluntary services and the reasons these
81 services are important to reduce the risk of future abuse or neglect to the child. If the family
82 continues to refuse voluntary services or the child needs to be protected, the division may
83 commence an investigation;

84 (3) Commence an immediate investigation if at any time during the family assessment
85 and services approach the division determines that an investigation, as delineated in sections
86 210.109 to 210.183, is required. The division staff who have conducted the assessment may
87 remain involved in the provision of services to the child and family;

88 (4) Document at the time the case is closed, the outcome of the family assessment and
89 services approach, any service provided and the removal of risk to the child, if it existed.

90 12. Within thirty days of an oral report of abuse or neglect, the local office shall update
91 the information in the information system. The information system shall contain, at a minimum,
92 the determination made by the division as a result of the investigation, identifying information
93 on the subjects of the report, those responsible for the care of the subject child and other relevant
94 dispositional information. The division shall complete all investigations within thirty days,
95 unless good cause for the failure to complete the investigation is documented in the information
96 system. If the investigation is not completed within thirty days, the information system shall be
97 updated at regular intervals and upon the completion of the investigation. The information in
98 the information system shall be updated to reflect any subsequent findings, including any
99 changes to the findings based on an administrative or judicial hearing on the matter.

100 13. A person required to report under section 210.115 to the division shall be informed
101 by the division of his right to obtain information concerning the disposition of his or her report.
102 Such person shall receive, from the local office, if requested, information on the general
103 disposition of his or her report. A person required to report to the division pursuant to section
104 210.115 may receive, if requested, findings and information concerning the case. Such release
105 of information shall be at the discretion of the director based upon a review of the mandated
106 reporter's ability to assist in protecting the child or the potential harm to the child or other
107 children within the family. The local office shall respond to the request within forty-five days.
108 The findings shall be made available to the mandated reporter within five days of the outcome
109 of the investigation.

110 14. In any judicial proceeding involving the custody of a child the fact that a report may
111 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,
112 nothing in this subsection shall prohibit the introduction of evidence from independent sources
113 to support the allegations that may have caused a report to have been made.

114 **15. In any judicial proceeding involving the custody of a child where the court**
115 **determines that the child is in need of services pursuant to subdivision (d) of subsection 1**
116 **of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or**
117 **custodian shall not be entered into the registry.**

118 **16.** The division of family services is hereby granted the authority to promulgate rules
119 and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo,
120 to carry out the provisions of sections 210.109 to 210.183.

121 [16.] **17.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
122 that is created under the authority delegated in this section shall become effective only if it
123 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
124 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
125 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
126 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
127 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall
128 be invalid and void.

 210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster
2 home, residential care facility, or child placing agency, or to advertise or hold himself out as
3 being able to perform any of the services as defined in sections 210.481 to 210.536, without
4 having in full force and effect a license issued by the division; provided, however, that nothing
5 in sections 210.481 to 210.536 shall apply to:

6 (1) Any residential care facility operated by a person in which the care provided is in
7 conjunction with an educational program for which a tuition is charged and completion of the
8 program results in meeting requirements for a diploma recognized by the state department of
9 elementary and secondary education;

10 (2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily
11 to provide recreation, medical treatment, or nursing or convalescent care for children;

12 (3) Any person who receives free of charge, and not as a business, for periods of time
13 not exceeding ninety consecutive days, the child of personal friends of such person as an
14 occasional and personal guest, and who receives custody of no other unrelated child;

15 (4) Any child placing agency operated by the department of mental health or any foster
16 home or residential care facility operated or licensed by the department of mental health under
17 sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively
18 to children who have a primary diagnosis of mental disorder, mental illness, mental retardation
19 or developmental disability, as defined in section 630.005, RSMo;

20 (5) Any foster home arrangement established and operated by any well-known religious
21 order or church and any residential care facility or child placement agency operated by such

22 organization; [or]

23 (6) Any institution or agency maintained or operated by the state, city or county; or

24 (7) Any residential care or child placing agency that is accredited by the Council
25 on Accreditation of Services for Children and Families, Inc., the Joint Commission on
26 Accreditation of Hospitals, or the Commission on Accreditation of Rehabilitation Facilities.

27 2. The division shall not require any foster home, residential care facility, or child
28 placing agency which believes itself exempt from licensure as provided in subsection 1 of this
29 section to submit any documentation in support of the claimed exemption; however said foster
30 home, residential care facility, or child placing agency is not precluded from furnishing such
31 documentation if it chooses to do so.

**210.566. 1. The division of family services and its contractors shall treat foster
2 parents with courtesy, respect and consideration. Foster parents shall treat the children
3 in their care, the child's birth family and members of the child welfare team with courtesy,
4 respect and consideration.**

5 **2. (1) The division of family services and its contractors shall provide foster
6 parents with training, pre-service and in-service, and support. The division of family
7 services and its contractors shall share all pertinent information about the child and the
8 child's family, including but not limited to, the case plan with the foster parents to assist
9 in determining if a child would be a proper placement. The division of family services and
10 its contractors shall inform the foster parents of issues relative to the child that may
11 jeopardize the health or safety of the foster family. The division of family services and its
12 contractors shall arrange pre-placement visits, except in emergencies. The foster parents
13 may ask questions about the child's case plan, encourage a placement or refuse a placement
14 without reprisal from the caseworker or agency. After a placement, the division of family
15 services shall update the foster parents as new information about the child is gathered.
16 Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed
17 to participate, consistent with section 210.761. The division of family services shall
18 establish reasonably accessible respite care for children in foster care for short periods of
19 time, jointly determined by foster parents and the child's caseworker pursuant to section
20 210.545.**

21 **(2) Foster parents shall treat all information received from the division of family
22 services about the child and the child's family as confidential. Foster parents may share
23 information they may learn about the child and the child's family with the caseworker and
24 other members of the child welfare team. Recognizing that placement changes are difficult
25 for children, foster parents shall seek all necessary information, and participate in pre-
26 placement visits, before deciding whether to accept a child for placement. Foster parents**

27 shall follow all procedures defined by the division of family services for requesting and
28 using respite care.

29 3. (1) Foster parents shall make decisions about the daily living concerns of the
30 child, and shall be permitted to continue the practice of their own family values and
31 routines while respecting the child's cultural heritage. All discipline shall be consistent
32 with state laws and regulations. The division of family services shall allow foster parents
33 to help plan visitation between the child and the child's biological family.

34 (2) Foster parents shall provide care that is respectful of the child's cultural identity
35 and needs. Foster parents shall recognize that the purpose of discipline is to teach and
36 direct the behavior of the child, and ensure that it is administered in a humane and
37 sensitive manner. Recognizing that visitation with family members is an important right,
38 foster parents shall be flexible and cooperative in regard to family visits.

39 4. (1) Consistent with state laws and regulations, the state may provide, upon
40 request by the foster parents, information about a child's progress after the child leaves
41 foster care. Except in emergencies, foster parents shall be given advance notice consistent
42 with division policy, and a written statement of the reasons before a child is removed from
43 their care. If a child re-enters the foster care system, the child's foster parents shall be
44 considered as a placement option. If a child becomes free for adoption while in foster care,
45 the child's foster family shall be given preferential consideration as adoptive parents
46 consistent with section 453.070, RSMo.

47 (2) Confidentiality rights of the child and the child's parents shall be respected and
48 maintained. Foster parents shall inform the child's caseworker of their interest if a child
49 re-enters the system. If a foster child becomes free for adoption and the foster parents
50 desire to adopt the child, they shall inform the caseworker in a timely manner. If they do
51 not choose to pursue adoption, foster parents shall make every effort to support and
52 encourage the child's placement in a permanent home. When requesting removal of a child
53 from their home, foster parents shall give reasonable advance notice, consistent with
54 division policy, to the child's caseworker, except in emergency situations.

55 5. (1) Foster parents shall be informed by the court in a timely manner of all court
56 hearings pertaining to a child in their care, and informed of their right to attend and
57 participate, consistent with section 211.464, RSMo.

58 (2) Foster parents shall share any concerns regarding the case plan for a child in
59 their care with the child's caseworker, as well as other members of the child welfare team,
60 in a timely manner.

61 6. Foster parents shall have timely access to the child placement agency's appeals
62 process, and shall be free from acts of retaliation when exercising the right to appeal.

63 **7. Foster parents shall know and follow the policies of the division of family services**
64 **and its contractors, including the appeals procedure.**

65 **8. For purposes of this section, "foster parent" means a resource family providing**
66 **care of children in state custody.**

210.906. 1. Every child-care worker or elder-care worker hired on or after January 1,
2 2001, or personal-care worker hired on or after January 1, 2002, shall complete a registration
3 form provided by the department. The department shall make such forms available no later than
4 January 1, 2001, and may, by rule, determine the specific content of such form, but every form
5 shall:

6 (1) Request the valid Social Security number of the applicant;

7 (2) Include information on the person's right to appeal the information contained in the
8 registry pursuant to section 210.912;

9 (3) Contain the signed consent of the applicant for the background checks required
10 pursuant to this section; and

11 (4) Contain the signed consent for the release of information contained in the
12 background check for employment purposes only.

13 2. Every child-care worker or elder-care worker hired on or after January 1, 2001, and
14 every personal-care worker hired on or after January 1, 2002, shall complete a registration form
15 within fifteen days of the beginning of such person's employment. Any person employed as a
16 child-care, elder-care or personal-care worker who fails to submit a completed registration form
17 to the department of health and senior services as required by sections 210.900 to 210.936
18 without good cause, as determined by the department, is guilty of a class B misdemeanor.

19 3. The costs of the criminal background check may be paid by the individual applicant,
20 or by the provider if the applicant is so employed, or for those applicants receiving public
21 assistance, by the state through the terms of the self-sufficiency pact pursuant to section 208.325,
22 RSMo. Any moneys remitted to the patrol for the costs of the criminal background check shall
23 be deposited to the credit of the criminal record system fund as required by section 43.530,
24 RSMo.

25 **4. Any person licensed pursuant to sections 210.481 to 210.565 shall be**
26 **automatically registered in the family care safety registry at no additional cost other than**
27 **the costs required pursuant to sections 210.481 to 210.565.**

28 **5.** Any person not required to register pursuant to the provisions of sections 210.900 to
29 210.936 may also be included in the registry if such person voluntarily applies to the department
30 for registration and meets the requirements of this section and section 210.909, including
31 submitting to the background checks in subsection 1 of section 210.909.

32 **[5.] 6.** The provisions of sections 210.900 to 210.936 shall not extend to related child

33 care, related elder care or related personal care.

210.950. 1. This section shall be known and may be cited as the "Safe Place for
2 Newborns Act of 2002". The purpose of this section is to protect newborn children from
3 injury and death caused by abandonment by a parent, and to provide safe and secure
4 alternatives to such abandonment.

5 2. As used in this section, the following terms mean:

6 (1) "Nonrelinquishing parent", the biological parent who does not leave a newborn
7 infant with any person listed in subsection 3 of this section in accordance with this section;

8 (2) "Relinquishing parent", the biological parent or person acting on such parent's
9 behalf who leaves a newborn infant with any person listed in subsection 3 of this section
10 in accordance with this section.

11 3. A parent shall be immune from prosecution for a violation of section 568.030,
12 568.045 or 568.050, RSMo, for actions related to the voluntary relinquishment of a child
13 pursuant to this section if:

14 (1) Expressing intent not to return for the child, the parent voluntarily delivered
15 the child safely to the physical custody of any of the following persons:

16 (a) An employee, agent, or member of the staff of any twenty-four hour medical
17 facility licensed pursuant to chapter 197, RSMo, in a health care provider position or on
18 duty in a nonmedical paid or volunteer position;

19 (b) A firefighter or emergency medical technician on duty in a paid position or on
20 duty in a volunteer position;

21 (c) A law enforcement officer; or

22 (d) A duly ordained ministry or clergy of a well-recognized church or religious
23 denomination;

24 (2) The child was no more than thirty days old when delivered by the parent to any
25 person listed in subdivision (1) of this subsection; and

26 (3) The child has not been abused or neglected by the parent prior to such
27 voluntary delivery.

28 4. A person listed in subdivision (1) of subsection 3 of this section shall, without a
29 court order, take physical custody of a child the person reasonably believes to be no more
30 than thirty days old and is delivered in accordance with this section by a person purporting
31 to be the child's parent. If delivery of a newborn is made pursuant to this section in any
32 place other than a twenty-four hour medical facility licensed pursuant to chapter 197,
33 RSMo, the person taking physical custody of the child shall arrange for the immediate
34 transportation of the child to the nearest twenty-four hour medical facility licensed
35 pursuant to chapter 197, RSMo.

36 **5. The twenty-four hour medical facility, its employees, agents and medical staff**
37 **shall perform any act necessary, in accordance with generally accepted standards of**
38 **professional practice, to protect the physical health or safety of the child. The twenty-four**
39 **hour medical facility shall notify the division of family services and the local juvenile**
40 **officer upon receipt of a child pursuant to this section. The local juvenile officer shall**
41 **immediately begin protective custody proceedings and request the child be made a ward**
42 **of the court during the child's stay in the medical facility. Upon discharge of the child from**
43 **the medical facility and pursuant to a protective custody order ordering custody of the**
44 **child to the division, the division of family services shall take physical custody of the child.**
45 **The parent's voluntary delivery of the child in accordance with this section shall constitute**
46 **the parent's implied consent to any such act and a voluntary relinquishment of such**
47 **parent's parental rights.**

48 **6. In any termination of parental rights proceeding initiated after the**
49 **relinquishment of a child pursuant to this section, the juvenile officer shall make public**
50 **notice that a child has been relinquished, including the sex of the child, and the date and**
51 **location of such relinquishment. Within thirty days of such public notice, the**
52 **nonrelinquishing parent shall identify himself or herself to the court and state his or her**
53 **intentions regarding the child. The court shall initiate proceedings to establish paternity.**
54 **The juvenile officer shall make examination of the putative father registry established in**
55 **section 192.016, RSMo, to determine whether attempts have previously been made to**
56 **preserve parental rights to the child. If such attempts have been made, the juvenile officer**
57 **shall make reasonable efforts to provide notice of the abandonment of the child to such**
58 **putative father.**

59 **7. (1) If a relinquishing parent of a child relinquishes custody of the child to any**
60 **person listed in subsection 3 of this section in accordance with this section and to preserve**
61 **the parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take**
62 **such steps necessary to establish parentage within thirty days after the public notice or**
63 **specific notice provided in subsection 6 of this section.**

64 **(2) If a nonrelinquishing parent fails to take steps to establish parentage within the**
65 **thirty-day period specified in subdivision (1) of this subsection, the nonrelinquishing**
66 **parent may have all of his or her rights terminated with respect to the child.**

67 **(3) When a nonrelinquishing parent inquires at a twenty-four hour medical facility**
68 **regarding a child whose custody was relinquished pursuant to this section, such facility**
69 **shall refer the nonrelinquishing parent to the division of family services and the juvenile**
70 **court exercising jurisdiction over the child.**

71 **8. The persons listed in subdivision (1) of subsection 3 of this section shall be**

72 immune from civil, criminal, and administrative liability for accepting physical custody of
73 a child pursuant to this section if such persons accept custody in good faith. Such
74 immunity shall not extend to any acts or omissions, including negligent or intentional acts
75 or omissions, occurring after the acceptance of such child.

76 9. The division of family services shall work with the children's trust fund board,
77 subject to approval by the board, or other child advocacy groups, community groups, and
78 health organizations to provide information to the public through pamphlets, brochures,
79 or by other means to deliver information concerning the process established by this section.

80 10. Nothing in this section shall be construed as conflicting with section 210.125.

210.1007. 1. The department of health and senior services shall, on or before July
2 1, 2003, and quarterly thereafter, provide all child care facilities licensed pursuant to this
3 chapter with a comprehensive list of children's products that have been identified by the
4 Consumer Product Safety Commission as unsafe.

5 2. Upon notification, a child care facility shall inspect its premises and immediately
6 dispose of any unsafe children's products which are discovered. Such inspection shall be
7 documented by signing and dating the department's notification form in a space designated
8 by the department. Signed and dated notification forms shall be maintained in the
9 facility's files for departmental inspection.

10 3. During regular inspections, the department shall document the facility's
11 maintenance of past signed and dated notification forms. If the department discovers an
12 unsafe children's product, the facility shall be instructed to immediately dispose of the
13 product. If a facility fails to dispose of a product after being given notice that it is unsafe,
14 it shall be considered a violation under the inspection.

15 4. The department may promulgate rules for the implementation of this section.
16 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
17 created under the authority delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
19 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
20 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
21 to review, to delay the effective date or to disapprove and annul a rule are subsequently
22 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
23 adopted after August 28, 2002, shall be invalid and void.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or

5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 **(d) The child or person seventeen years of age is a child in need of mental health**
18 **services and the parent, guardian or custodian is unable to afford or access appropriate**
19 **mental health treatment or care for the child;**

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child

41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
43 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
44 use of any tobacco product;

45 (4) For the adoption of a person;

46 (5) For the commitment of a child or person seventeen years of age to the guardianship
47 of the department of social services as provided by law.

48 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
49 seventeen years of age who resides in a county of this state shall be made as follows:

50 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
51 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
52 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
53 court, to the county of the child's residence or the residence of the person seventeen years of age
54 for future action;

55 (2) Upon the motion of any party or on its own motion prior to final disposition on the
56 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
57 a child or person seventeen years of age to the court located in the county of the child's residence
58 or the residence of the person seventeen years of age, or the county in which the offense pursuant
59 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

60 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
61 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
62 of a child or person seventeen years of age to the court located in the county of the child's
63 residence or the residence of the person seventeen years of age for further action with the prior
64 consent of the receiving court;

65 (4) Upon motion of any party or upon its own motion at any time following a judgment
66 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
67 may place the child or person seventeen years of age under the supervision of another juvenile
68 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
69 receiving court;

70 (5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
71 person seventeen years of age, certified copies of all legal and social documents and records
72 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
73 transfer.

74 3. In any proceeding involving any child or person seventeen years of age taken into
75 custody in a county other than the county of the child's residence or the residence of a person
76 seventeen years of age, the juvenile court of the county of the child's residence or the residence

77 of a person seventeen years of age shall be notified of such taking into custody within
78 seventy-two hours.

211.181. 1. When a child or person seventeen years of age is found by the court to come
2 within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court
3 shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child
4 or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

5 (1) Place the child or person seventeen years of age under supervision in his own home
6 or in the custody of a relative or other suitable person after the court or a public agency or
7 institution designated by the court conducts an investigation of the home, relative or person and
8 finds such home, relative or person to be suitable and upon such conditions as the court may
9 require;

10 (2) Commit the child or person seventeen years of age to the custody of:

11 (a) A public agency or institution authorized by law to care for children or to place them
12 in family homes; except that, such child or person seventeen years of age may not be committed
13 to the department of social services, division of youth services;

14 (b) Any other institution or agency which is authorized or licensed by law to care for
15 children or to place them in family homes;

16 (c) An association, school or institution willing to receive the child or person seventeen
17 years of age in another state if the approval of the agency in that state which administers the laws
18 relating to importation of children into the state has been secured; or

19 (d) The juvenile officer;

20 (3) Place the child or person seventeen years of age in a family home;

21 (4) Cause the child or person seventeen years of age to be examined and treated by a
22 physician, psychiatrist or psychologist and when the health or condition of the child or person
23 seventeen years of age requires it, cause the child or person seventeen years of age to be placed
24 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
25 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
26 of a child or person seventeen years of age whose parents or guardian in good faith are providing
27 other remedial treatment recognized or permitted under the laws of this state;

28 **(5) The court may order, pursuant to subsection 2 of section 211.081, that the child**
29 **receive the necessary services in the least restrictive appropriate environment including**
30 **home and community-based services, treatment and support, based on a coordinated,**
31 **individualized treatment plan. The individualized treatment plan shall be approved by the**
32 **court and developed by the applicable state agencies responsible for providing or paying**
33 **for any and all appropriate and necessary services, subject to appropriation, and shall**
34 **include which agencies are going to pay for and provide such services. Such plan must be**

35 **submitted to the court within thirty days and the child's family shall actively participate**
36 **in designing the service plan for the child or person seventeen years of age.**

37 2. When a child is found by the court to come within the provisions of subdivision (2)
38 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
39 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
40 proceed as follows:

41 (1) Place the child under supervision in his own home or in custody of a relative or other
42 suitable person after the court or a public agency or institution designated by the court conducts
43 an investigation of the home, relative or person and finds such home, relative or person to be
44 suitable and upon such conditions as the court may require;

45 (2) Commit the child to the custody of:

46 (a) A public agency or institution authorized by law to care for children or place them
47 in family homes; except that, a child may be committed to the department of social services,
48 division of youth services, only if he is presently under the court's supervision after an
49 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

50 (b) Any other institution or agency which is authorized or licensed by law to care for
51 children or to place them in family homes;

52 (c) An association, school or institution willing to receive it in another state if the
53 approval of the agency in that state which administers the laws relating to importation of children
54 into the state has been secured; or

55 (d) The juvenile officer;

56 (3) Place the child in a family home;

57 (4) Cause the child to be examined and treated by a physician, psychiatrist or
58 psychologist and when the health or condition of the child requires it, cause the child to be placed
59 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
60 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
61 of a child whose parents or guardian in good faith are providing other remedial treatment
62 recognized or permitted under the laws of this state;

63 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.
64 Execution of any order entered by the court pursuant to this subsection, including a commitment
65 to any state agency, may be suspended and the child placed on probation subject to such
66 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
67 suspended order executed.

68 3. When a child is found by the court to come within the provisions of subdivision (3)
69 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
70 which it exercises its jurisdiction over the child, and the court may, by order duly entered,

71 proceed as follows:

72 (1) Place the child under supervision in his own home or in custody of a relative or other
73 suitable person after the court or a public agency or institution designated by the court conducts
74 an investigation of the home, relative or person and finds such home, relative or person to be
75 suitable and upon such conditions as the court may require;

76 (2) Commit the child to the custody of:

77 (a) A public agency or institution authorized by law to care for children or to place them
78 in family homes;

79 (b) Any other institution or agency which is authorized or licensed by law to care for
80 children or to place them in family homes;

81 (c) An association, school or institution willing to receive it in another state if the
82 approval of the agency in that state which administers the laws relating to importation of children
83 into the state has been secured; or

84 (d) The juvenile officer;

85 (3) Beginning January 1, 1996, the court may make further directions as to placement
86 with the division of youth services concerning the child's length of stay. The length of stay order
87 may set forth a minimum review date;

88 (4) Place the child in a family home;

89 (5) Cause the child to be examined and treated by a physician, psychiatrist or
90 psychologist and when the health or condition of the child requires it, cause the child to be placed
91 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
92 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
93 of a child whose parents or guardian in good faith are providing other remedial treatment
94 recognized or permitted under the laws of this state;

95 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
96 vehicle;

97 (7) Order the child to make restitution or reparation for the damage or loss caused by his
98 offense. In determining the amount or extent of the damage, the court may order the juvenile
99 officer to prepare a report and may receive other evidence necessary for such determination. The
100 child and his attorney shall have access to any reports which may be prepared, and shall have the
101 right to present evidence at any hearing held to ascertain the amount of damages. Any restitution
102 or reparation ordered shall be reasonable in view of the child's ability to make payment or to
103 perform the reparation. The court may require the clerk of the circuit court to act as receiving
104 and disbursing agent for any payment ordered;

105 (8) Order the child to a term of community service under the supervision of the court or
106 of an organization selected by the court. Every person, organization, and agency, and each

107 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
108 from any services performed as a result of an order issued under this subdivision, shall be
109 immune from any suit by the child ordered to perform services under this subdivision, or any
110 person deriving a cause of action from such child, if such cause of action arises from the
111 supervision of the child's performance of services under this subdivision and if such cause of
112 action does not arise from an intentional tort. A child ordered to perform services under this
113 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
114 287, RSMo, nor shall the services of such child be deemed employment within the meaning of
115 the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a
116 commitment to any state agency, may be suspended and the child placed on probation subject
117 to such conditions as the court deems reasonable. After a hearing, probation may be revoked and
118 the suspended order executed;

119 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
120 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
121 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
122 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
123 amount of up to fifty dollars to be paid by the child to the clerk of the court.

124 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
125 minimum period during which the child shall remain in the custody of the division of youth
126 services. No court order shall require a child to remain in the custody of the division of youth
127 services for a period which exceeds the child's eighteenth birth date except upon petition filed
128 by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any
129 order of commitment of a child to the custody of the division of youth services, the division shall
130 determine the appropriate program or placement pursuant to subsection 3 of section 219.021,
131 RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody
132 of the division of youth services before the child completes the length of stay determined by the
133 court in the commitment order unless the committing court orders otherwise. The director of the
134 division of youth services may at any time petition the court for a review of a child's length of
135 stay commitment order, and the court may, upon a showing of good cause, order the early
136 discharge of the child from the custody of the division of youth services. The division may
137 discharge the child from the division of youth services without a further court order after the
138 child completes the length of stay determined by the court or may retain the child for any period
139 after the completion of the length of stay in accordance with the law.

140 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
141 this section, the assessment shall be paid to the clerk of the court in the circuit where the
142 assessment is imposed by court order, to be deposited in a fund established for the sole purpose

143 of payment of judgments entered against children in accordance with section 211.185.

294.011. As used in this chapter, the following terms mean:

- 2 (1) "Child", an individual under sixteen years of age, **unless otherwise specified**;
- 3 (2) "Commission", the labor and industrial relations commission;
- 4 (3) "Department", the department of labor and industrial relations;
- 5 (4) "Department director", the director of the department of labor and industrial relations;
- 6 (5) "Director", the director of the division of labor standards;
- 7 (6) "Division", the division of labor standards;
- 8 (7) "Employ", engage a child in gainful employment for wages or other remuneration
- 9 [except where the child is working under the direct control of the parent, legal custodian or
- 10 guardian of the child]. The term employ shall not include [the performance of the following
- 11 services by a child twelve years of age or older] **any child working under the direct control**
- 12 **of the child's parent and shall not include the following services which may be performed**
- 13 **by any child over the age of twelve:**
- 14 (a) The delivery or sales of newspapers[, magazines or periodicals];
- 15 (b) Child care;
- 16 (c) Occasional yard or farm work, **including agriculture work as defined in**
- 17 **subdivision (1) of section 290.500, RSMo**, performed by a child with the knowledge and
- 18 consent of [his or her] **the child's** parent [, legal custodian or guardian. Such work shall include
- 19 the use of lawn and garden machinery in domestic service at or around a private residence,
- 20 provided that, there shall be an agreement between an occupant of the private residence and the
- 21 child, and by no other person, firm or corporation, other than a parent, legal custodian or
- 22 guardian of the child, for the performance of such work]. **A child may operate lawn and**
- 23 **garden machinery as specified in subsection (1) of section 294.040, provided that, no child**
- 24 **shall be permitted to engage in any activities prohibited by section 294.040;**
- 25 (d) Participating in a youth sporting event as a referee, coach or other position necessary
- 26 to the sporting event; except that, this paragraph shall not include working at a concession stand.
- 27 For purposes of this paragraph, "youth sporting event" means an event where all players are
- 28 under the age of eighteen and the event is sponsored and supervised by a public body or a
- 29 not-for-profit entity; or
- 30 (e) Any other part-time employment performed by a child with the knowledge and
- 31 consent of his or her parent, legal custodian or guardian not specifically prohibited by section
- 32 294.040];
- 33 (8) **"Parent", a child's parent, legal custodian or guardian.**

294.024. A child [who has passed the child's fourteenth birthday but is under sixteen
2 years of age may be employed in any occupation other than the occupations prohibited by this

3 chapter, except that the child] may not be employed during the regular school term unless the
4 child has been issued a work certificate[,] **or** a work permit [issued] pursuant to the provisions
5 of this chapter [or an exemption issued by the director].

294.030. 1. A child [under sixteen years of age] shall not be employed, permitted or
2 suffered to work at any gainful employment for more than three hours per day in any school day,
3 more than eight hours in any nonschool day, more than six days or forty hours in any week.
4 Normal work hours shall not begin before seven o'clock in the morning nor extend to after 9:00
5 p.m., except as provided in subsection 2 of this section. The provisions of this subsection may
6 be waived by the director, in full or in part, depending upon the nature of the employment. Such
7 waiver shall be provided in writing to the employer by the director. **The waiver shall only**
8 **exempt employment described in section 294.022.**

9 2. On all evenings from Labor Day to June first, a child [under sixteen years of age] shall
10 not be employed, permitted or suffered to work at any gainful employment after 7:00 p.m. nor
11 after 9:00 p.m. from June first to Labor Day; except that a child who has passed his or her
12 fourteenth birthday but is under sixteen years of age may be employed at a regional fair from
13 June first to Labor Day, if such child does not work after 10:30 p.m., is supervised by an adult,
14 parental consent is given and the provisions of this subsection are complied with. The
15 [provisions of this subsection] **regional fair exception** shall not apply to those entities covered
16 by the Fair Labor Standards Act. The provisions of this subsection do not apply to children who
17 have been permanently excused from school pursuant to the provisions of chapter 167, RSMo.
18 The provisions of this subsection may be waived by the director, in full or in part, depending
19 upon the nature of the employment. Such waiver shall be provided in writing to the employer
20 by the director. The waiver shall only exempt employment described in section 294.022.

294.060. 1. Whenever a child [under sixteen years of age] is granted a work certificate
2 or work permit, the certificate or work permit shall be transmitted by the issuing officer to the
3 employer of the child and a copy shall be [mailed] **transmitted** to the division. The employer
4 shall keep the work certificate or work permit on file and shall post in a conspicuous place in the
5 employer's place of business a list of all children who are employed and under the age of sixteen.

6 2. On termination of the employment of the child, the child's work certificate or work
7 permit shall be sent immediately by the employer to the officer who issued it.

8 3. A new certificate or work permit may be issued for a child whose certificate or work
9 permit has been returned by the employer to the issuing officer.

10 4. A copy of each work certificate or work permit issued and notice of its cancellation
11 shall be retained by the issuing officer and a copy shall be [mailed] **transmitted** by the issuing
12 officer to the division.

294.090. 1. The director is charged with the enforcement of the provisions of this

chapter and all other laws regulating the employment of children. The director is vested with the power and jurisdiction to exercise such supervision over every employment as may be necessary to adequately enforce and administer the provisions of this chapter, including the right to enter any place where children are employed and to inspect the premises and to [call for and inspect] **require the production of** work certificates or work permits and any other necessary documents specifically requested that involve the employment of children.

2. Every employer subject to any provision of sections 294.005 to 294.150 or any regulation issued pursuant to sections 294.005 to 294.150 shall make and keep for a period of not less than two years, on the premises where any child is employed, the work certificate, a record of the name, address, and age of the child, and times and hours worked by the child each day.

3. All records and information obtained by the division pertaining to minors are confidential and personal identifying information shall be disclosed only by order of a court of competent jurisdiction.

4. If it appears that a work certificate or work permit has been improperly granted or illegally used, or the child is being injured, or is likely to be injured by the employment, this fact shall be reported to the issuing officer who shall cancel the work certificate or work permit. Notice in writing of the cancellation, with reasons therefor, shall be [mailed] **transmitted** immediately to the child and to the person employing the child, and thereafter it shall be unlawful for any such person to continue to employ the child.

294.141. The records of the division shall constitute prima facie evidence of the date of [mailing] **transmission** of any notice, determination or other paper [mailed] **transmission** pursuant to the provisions of this chapter.

452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent visitation when:

(1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action solely on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify the original decree of dissolution to seek visitation rights when such rights have been denied to them;

(2) One parent of the child is deceased and the surviving parent denies reasonable visitation rights **to a parent of the deceased parent of the child;**

(3) **The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition;**

(4) A grandparent is unreasonably denied visitation with the child for a period exceeding ninety days. **However, if the natural parents are legally married to each other and are**

14 **living together with the child, a grandparent may not file for visitation pursuant to this**
15 **subdivision; or**

16 [(4)] (5) The child is adopted by a stepparent, another grandparent or other blood
17 relative.

18 2. The court shall determine if the visitation by the grandparent would be in the child's
19 best interest or if it would endanger the child's physical health or impair the child's emotional
20 development. Visitation may only be ordered when the court finds such visitation to be in the
21 best interests of the child. **However, when the parents of the child are legally married to**
22 **each other and are living together with the child, it shall be a rebuttable presumption that**
23 **such parents know what is in the best interest of the child.** The court may order reasonable
24 conditions or restrictions on grandparent visitation.

25 3. If the court finds it to be in the best interests of the child, the court may appoint a
26 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice
27 law in Missouri. The guardian ad litem may, for the purpose of determining the question of
28 grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a
29 party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

30 4. A home study, as described by section 452.390, may be ordered by the court to assist
31 in determining the best interests of the child.

32 5. The court may, in its discretion, consult with the child regarding the child's wishes in
33 determining the best interest of the child.

34 6. The right of a grandparent to seek or maintain visitation rights pursuant to this section
35 may terminate upon the adoption of the child.

36 7. The court may award reasonable attorneys fees and expenses to the prevailing party.

454.606. 1. In all IV-D cases in which income withholding for child support is to be
2 initiated on the effective date of the order pursuant to section 452.350, RSMo, and section
3 454.505, respectively, the circuit clerk or division, as appropriate, shall send a notice to the
4 employer or union of the parent who has been ordered to provide the health benefit plan coverage
5 at the same time the support order withholding notice is issued. In cases in which the division
6 enforces an order to obtain health benefit plan coverage, it also shall send a notice to the
7 employer or union of the parent who has been ordered to provide the health benefit plan
8 coverage.

9 2. The notice shall be sent to the employer or union by certified mail, return receipt
10 requested.

11 3. [The notice shall contain the following information:

12 (1) The parent's name and Social Security number;

13 (2) A statement that the parent has been required to provide and maintain health benefit

14 plan coverage for a dependent minor child;

15 (3) The name, date of birth and Social Security number, if available, for each child.

16 4. The notice to withhold sufficient funds from the earnings due the obligor to cover
17 employee contributions or premiums, when necessary to comply with the order to provide health
18 benefit plan coverage, is binding on current and successor employers for current and subsequent
19 periods of employment. Such notice continues until further notice by the court or the division.

20 5. The withholding of health benefit plan employee contributions or premiums from
21 income, if required to comply with the order, shall not be held in abeyance pending the outcome
22 of any hearing provided pursuant to section 454.609.] **The division shall use the National
23 Medical Support Notice required by 42 U.S.C. Section 666(a)(19) and 45 C.F.R. Section
24 303.32 to enforce health benefit plan coverage under this chapter. All employers, unions,
25 and plan administrators shall comply with the terms of the National Medical Support
26 Notice, including the instructions therein, whether issued by the division or the IV-D
27 agency of another state which appears regular on its face. The division shall:**

28 (1) **Transfer the National Medical Support Notice to an employer within two**
29 **business days after the date of entry of an employee who is an obligor in a IV-D case in the**
30 **state directory of new hires; and**

31 (2) **Promptly notify the appropriate employer or union if a current order for**
32 **medical support for which the division is responsible is no longer in effect.**

33 4. The notice issued by the circuit clerk shall contain, at a minimum, the following
34 information:

35 (1) **The parent's name and Social Security number;**

36 (2) **A statement that the parent is required to provide and maintain health benefit**
37 **plan coverage for a dependent minor child; and**

38 (3) **The name, date of birth, and Social Security number, if available, for each child.**

39 5. The notice to withhold sufficient funds from the earnings due the obligor to cover
40 employee contributions or premiums, when necessary to comply with the order to provide
41 health benefit plan coverage, is binding on current and successor employers for current
42 and subsequent periods of employment. Such notice shall continue until further notice by
43 the court or division.

44 6. The withholding of health benefit plan employee contributions or premiums
45 from income, if required to comply with the order, shall not be held in abeyance pending
46 the outcome of any hearing provided pursuant to section 454.609.

454.609. 1. At the same time an employer **or union** notice is sent pursuant to section
2 454.606, the circuit clerk or the division, as appropriate, shall send a notice to the obligor by any
3 form of mail to the obligor's last known address. The information contained in that notice shall

4 include:

5 (1) A statement that the parent has been directed to provide and maintain health benefit
6 plan coverage for the benefit of a minor child;

7 (2) The name and date of birth of the minor child;

8 (3) A statement that the income withholding for health benefit coverage applies to
9 current and subsequent periods of employment;

10 (4) [The procedure available to] **A statement that the parent may within thirty days**
11 **of the mailing date of the order or notice submit a written** contest to the withholding on the
12 grounds that the withholding is not proper because of mistake of fact or because the obligor [has
13 purchased] **provides** other insurance that **was obtained prior to issuance of the withholding**
14 **order or notice that** is comparable to the health benefit plan available through the employer or
15 union or nonemployer or nonunion group;

16 (5) A statement that if the obligor contests the withholding, the obligor shall be afforded
17 an opportunity to present his **or her** case to the court or the division within thirty days of receipt
18 of the notice of contest;

19 (6) A statement of exemptions which may apply to limit the portion of the obligated
20 party's disposable earnings which are subject to the withholding under federal or state law;

21 (7) The Social Security number of the obligor, if available;

22 (8) A statement that state law prohibits employers from retaliating against an obligor
23 under an order to provide health benefit plan coverage and that the court or the division should
24 be contacted if the obligor has been retaliated against by his **or her** employer as a result of the
25 order for health benefit plan coverage.

26 2. The only grounds to contest a withholding order or notice for health benefit plan
27 coverage sent to an employer or union shall be mistake of fact or [the obligor's purchase of] **that**
28 **the obligor obtained** other insurance **prior to issuance of the withholding order or notice** that
29 is comparable to the health benefit plan available through the employer or union, or nonemployer
30 or nonunion group. For purposes of sections 454.600 to 454.645, "mistake of fact" means an
31 error as to the identity of the obligor.

32 3. If the obligor contests the withholding order **or notice** for health plan coverage
33 because of mistake of fact or [the purchase of] **because the obligor obtained** comparable
34 insurance [within fifteen days of the mail date of the notice] **prior to issuance of the**
35 **withholding order or notice**, the court or the director shall hold a hearing, enter an order
36 disposing of all issues disputed by the obligor[, indicate the date that withholding will
37 commence, if appropriate,] and notify the obligated party of the determination and date, within
38 forty-five days of the date of receipt of the obligated party's notice of contest.

454.615. 1. Upon receipt of a court or administrative order, or notice, for health benefit

2 plan coverage, the employer or union shall [forward a copy of] **transfer** the order or notice to
3 the [health benefit plan administrator or insurer, as applicable] **appropriate group health plan**
4 **providing the health plan coverage for which the child is eligible, excluding any severable**
5 **notice to withhold for health care coverage directing the employer or union to withhold any**
6 **mandatory employee contribution to the plan, within twenty business days after the date**
7 **of the order or notice.**

8 **2. Within forty business days after the date of the order or notice, the plan**
9 **administrator shall:**

10 **(1) Notify the issuing agency whether coverage of the child is available under the**
11 **terms of the plan and, if so, whether such child is covered under the plan and either the**
12 **effective date of such coverage or, if necessary, any steps to be taken by the custodial**
13 **parent or issuing agency to effectuate such coverage; and**

14 **(2) Provide to the custodial parent or issuing agency a description of the coverage**
15 **available and any forms or documents necessary to effectuate such coverage.**

454.618. 1. Upon receipt of the court or administrative order, or notice, for health
2 benefit plan coverage, or upon application of the obligor pursuant to that order, the employer or
3 union shall **take necessary action to** enroll the minor child as an eligible dependent in the health
4 benefit plan and, upon enrollment, withhold any required employee contribution or premium
5 from the obligor's income or wages **necessary for the coverage of the child and send any**
6 **amount withheld directly to the health benefit plan administrator.** If more than one health
7 benefit plan is offered by the employer or union, the minor child shall be enrolled in the plan in
8 which the obligor is enrolled. When one or more plans are available and the obligor is not
9 enrolled in a plan that covers dependents or is not enrolled in any plan, the [employer or union
10 shall enroll the] minor child and the obligor if necessary **shall be enrolled** under the least costly
11 plan that provides service to the area where the child resides **if the order or notice for health**
12 **benefit plan coverage is not a National Medical Support Notice issued by the division or**
13 **IV-D agency of another state. If the notice for health benefit plan coverage is a National**
14 **Medical Support Notice issued by the division or IV-D agency of another state, the health**
15 **benefit plan administrator shall provide to the issuing agency copies of the applicable**
16 **summary plan descriptions or other documents that describe available coverage, including**
17 **the additional participant contribution necessary to obtain coverage for the child under**
18 **each option and whether there is a limited service area for any option. The issuing agency,**
19 **in consultation with the custodial parent, must promptly select from the available plan**
20 **options. If the issuing agency does not make such selection within twenty business days**
21 **from the date the plan administrator provided the option, the plan administrator shall**
22 **enroll the child in the plan's default option, if any. If the plan does not have a default**

23 **option, the plan administrator shall enroll the child in the option selected by the issuing**
24 **agency.**

25 2. In those instances where the obligor fails or refuses to execute any document
26 necessary to enroll the minor child in the health benefit plan ordered by the court, the required
27 information and authorization may be provided by the division or the custodial parent or
28 guardian of the minor child.

29 3. Information and authorization provided by the division or the custodial parent or
30 guardian of the minor child shall be valid for the purpose of meeting enrollment requirements
31 of the health benefit plan and shall not affect the obligation of the employer or union and the
32 insurer to enroll the minor child in the health benefit plan for which other eligibility, enrollment,
33 underwriting terms and other requirements are met. However, any health benefit plan provision
34 which denies or restricts coverage to a minor child of the obligor due to birth out of wedlock
35 shall be void as against public policy.

36 4. A minor child that an obligor is required to cover as an eligible dependent pursuant
37 to sections 454.600 to 454.645 shall be considered for health benefit plan coverage purposes as
38 a dependent of the obligor until the child's right to parental support terminates or until further
39 order of the court, but in no event past the limiting age set forth in the health benefit plan.

454.627. When an order for health benefit plan coverage pursuant to sections 454.600
2 to 454.645 is in effect, upon termination of the obligor's employment, or upon termination of the
3 health benefit plan coverage, the employer, union or health benefit plan administrator, as
4 appropriate, shall make a good faith effort to notify the obligee, [and] **or in IV-D cases, the**
5 division, within ten days of the termination date with notice of continuation or conversion
6 privileges. **In addition, in IV-D cases, upon termination of the obligor's employment, the**
7 **employer shall promptly notify the division or IV-D agency of another state, as applicable,**
8 **of the obligor's last known address and the name and address of the obligor's new**
9 **employer, if known.**

454.700. 1. In any case in which a parent is required by a court or administrative order
2 to provide medical coverage for a child, under any health benefit plan, as defined in section
3 454.600, and a parent is eligible through employment, under the provisions of the federal
4 Comprehensive Omnibus Budget Reconciliation Act (COBRA) or the provisions of section
5 376.892, RSMo, or for health coverage through an insurer or group health plan, any insurers,
6 including group health plans as defined in section 607(1) of the federal Employee Retirement
7 Income Security Act of 1974, offering, issuing, or renewing policies in this state on or after July
8 1, 1994, shall:

9 (1) Permit such parent to enroll under such coverage any such child who is otherwise
10 eligible for such coverage, without regard to any enrollment season restrictions;

11 (2) Permit enrollment of a child under coverage upon application by the child's other
12 parent [or by], the division of child support enforcement [or], the division of medical services,
13 **or the tribunal of another state**, if the parent required by a court or administrative order to
14 provide health coverage fails to make application to obtain coverage for such child;

15 (3) Not disenroll or eliminate coverage of a child unless [the insurer is provided
16 satisfactory written evidence that]:

17 (a) **The insurer is provided satisfactory written evidence that** such court or
18 administrative order is no longer in effect; or

19 (b) **The insurer is provided satisfactory written evidence that** the child is or will be
20 enrolled in comparable health coverage through another insurer which will take effect no later
21 than the effective date of the disenrollment; **or**

22 (c) **The employer or union eliminates family health coverage for all of its employees**
23 **or members; or**

24 (d) **Any available continuation coverage is not elected or the period of such**
25 **coverage expires.**

26 2. In any case in which a parent is required by a court or administrative order to provide
27 medical coverage for a child, under any health benefit plan, as defined in section 454.600, and
28 the parent is eligible for such health coverage through an employer doing business in Missouri,
29 the employer **or union** shall:

30 (1) Permit such parent to enroll under such family coverage any such child who is
31 otherwise eligible for such coverage, without regard to any enrollment season restrictions;

32 (2) Enroll a child under family coverage upon application by the child's other parent [or
33 by], the division of child support enforcement [or], the division of medical services, **or a**
34 **tribunal of another state**, if a parent is enrolled but fails to make application to obtain coverage
35 of such child; and

36 (3) Not disenroll or eliminate coverage of any such child unless [the employer is
37 provided satisfactory written evidence that]:

38 (a) **The employer or union is provided satisfactory written evidence that** such court
39 or administrative order is no longer in effect; or

40 (b) **The employer or union is provided satisfactory written evidence that** the child
41 is or will be enrolled in comparable health coverage through another insurer which will take
42 effect not later than the effective date of such disenrollment; or

43 (c) The employer **or union** has eliminated family health coverage for all of its employees
44 **or members.**

45 3. No insurer may impose any requirements on a state agency, which has been assigned
46 the rights of an individual eligible for medical assistance under chapter 208, RSMo, and covered

47 for health benefits from the insurer, that are different from requirements applicable to an agent
48 or assignee of any other individual so covered.

49 4. All insurers shall in any case in which a child has health coverage through the insurer
50 of a noncustodial parent:

51 (1) Provide such information to the custodial parent or legal guardian as may be
52 necessary for the child to obtain benefits through such coverage;

53 (2) Permit the custodial parent or legal guardian, or provider, with the custodial parent's
54 approval, to submit claims for covered services without the approval of the noncustodial parent;
55 and

56 (3) Make payment on claims submitted in accordance with subdivision (2) of this
57 subsection directly to the parent, the provider, or the division of medical services.

58 5. The division of medical services may garnish the wages, salary, or other employment
59 income of, and require withholding amounts from state tax refunds, pursuant to section 143.783,
60 RSMo, to any person who:

61 (1) Is required by court or administrative order to provide coverage of the costs of health
62 services to a child who is eligible for medical assistance under Medicaid; and

63 (2) Has received payment from a third party for the costs of such services to such child,
64 but has not used such payment to reimburse, as appropriate, either the other parent or guardian
65 of such child or the provider of such services, to the extent necessary to reimburse the division
66 of medical services for expenditures for such costs under its plan. However, claims for current
67 or past due child support shall take priority over claims by the division of medical services.

68 6. The remedies for the collection and enforcement of medical support established in this
69 section are in addition to and not in substitution for other remedies provided by law and apply
70 without regard to when the order was entered.

Section B. Because immediate action is necessary to ensure that the children of the state
2 of Missouri continue to receive medical insurance coverage the repeal and reenactment of section
3 208.631 of section A of this act is deemed necessary for the immediate preservation of the public
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and the repeal and reenactment of section 208.631 of section A of
6 this act shall be in full force and effect upon its passage and approval.